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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,145	09/30/2003	Jerry A. Overton	2381	5609
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OVERLAND PARK, KS 66251-2100			ART UNIT	PAPER NUMBER
			2617	
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			12/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/675,145

Applicant(s)

OVERTON, JERRY A.

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/29/07 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-9, 11-14, 16, 17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi (US 2003/0100312A1).

Regarding claims 1 and 12, Takahashi teaches a method comprising:  
maintaining a set of data comprising a plurality of records (see [0023], [0032], [0052]  
and [0053]), wherein each record includes at least the following fields: (i) a data

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reference (see fig.3, column 204 and column 205), (ii) location information (see fig.3, column 201), and (iii) device capability information (see fig.3, column 202 and column 203), such that each data reference is correlated with both location information and device capability information (see fig.3), and wherein each data reference points to respective data (also see fig.3), receiving from a device a request for context-based data (see Abstract, [0016], [0021], [0022], [0023] and [0024]), determining a current location of the device and determining one or more capabilities of the device (see fig.3, column 201, column 202 and column 203), querying the set of data to uncover at least one data-reference that the set of data correlates with both (i) the current location of the device and (ii) the one or more capabilities of the device, acquiring data to which the at least one data-reference points (see [0023], [0032], [0052] and [0053]), and sending the acquired data to the device in response to the request (see Abstract, [0016], [0021], [0022], [0023], [0024], and see [0023], [0032], [0052] and [0053]).

Regarding claim 2, Takahashi further teaches a wireless carrier performing the method (see fig.1, wireless connection between devices).

Regarding claim 3, Takahashi further teaches receiving the request comprises receiving the request via a radio frequency air interface (see fig.1, wireless connection between devices), and wherein sending the acquired data comprises sending the acquired data via the radio frequency air interface (see fig.1, wireless connection between devices).

Regarding claims 4 and 14, Takahashi further teaches the device comprises a mobile station (see fig.1, item 10-1).

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Regarding claims 6 and 16, Takahashi further teaches determining the current location of the device comprises querying a location-determination system (see [0016], [0021], [0022], [0023], [0024], [0032], [0052] and [0053]).

Regarding claim 7, Takahashi further teaches determining the current location of the device comprises reading an indication of the current location from the request (see [0023], [0024], [0032], [0052] and [0053]).

Regarding claims 8 and 17, Takahashi querying a device capabilities store to determine the one or more capabilities of the device (see fig.3, column 202 and column 203, and see [0023]).

Regarding claim 9, Takahashi determining the one or more capabilities of the device comprises determining a make and model of the device, wherein the make and model inherently defines certain device capabilities (see fig.3, column 202 and column 203, and see [0023]).

Regarding claim 11, Takahashi generating the set of data by a process comprising computing at least one Cartesian product of (i) a measure of geographic location and (ii) one of the data references (see [0016], [0021], [0022], [0023], [0024], [0032], [0052] and [0053]).

Regarding claim 13, Takahashi further teaches a radio access network through which the request passes from the device to the network server (see fig.1, wireless connection between devices), and through which the acquired data passes from the network server to the device (see fig.1, wireless connection between devices).

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Regarding claim 19, Takahashi teaches claims 1 and 12. Takahashi does not specifically disclose the network server comprises a portal server. However, the Examiner takes Office notice that such feature as recited in the claim is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Takahashi for providing a method as claimed, for transmitting a portal page.

Regarding claim 20, Takahashi further teaches the network server is operated by a carrier that provides the device with an access channel (see fig.1, wireless channel between devices).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 10, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (US 2003/0100312A1) and further in view of Rossmann (US 6,625,447).

Regarding claims 5 and 15, Takahashi teaches claims 1 and 12. Takahashi does not specifically disclose the request comprises an HTTP request.

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Rossmann teaches disclose the request comprises an HTTP request (see column 37, lines 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Rossmann into the system of Takahashi in order to provide two-way data communication device utilizes a client module to transmit message including a resource selector chosen by the user to a server on a server computer on the computer network (see Rossmann, Abstract).

Regarding claims 10 and 18, Takahashi teaches claims 1 and 12. Takahashi does not specifically disclose the data-references comprise uniform resource identifiers ("URIs"), and wherein acquiring data to which the at least one data-reference points comprises sending at least one HTTP request directed to at least one URI of the at least one data-reference.

Rossmann teaches the data-references comprise uniform resource identifiers ("URIs") (see column 37, lines 13-15), and wherein acquiring data to which the at least one data-reference points comprises sending at least one HTTP request directed to at least one URI of the at least one data-reference (see column 37, lines 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Rossmann into the system of Takahashi in order to provide two-way data communication device utilizes a client module to transmit message including a resource selector chosen by the user to a server on a server computer on the computer network (see Rossmann, Abstract).

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

